

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

CLIFTON D. COX, JR.,

Plaintiff,

vs.

WAL-MART STORES, INC.

Defendant.

8:05CV473

ORDER

This matter is before the court on defendant's motion to dismiss. (Filing No. 13). In its motion defendant argues that the court should dismiss plaintiff's Title VII claim for failure to exhaust his administrative remedies.

In his complaint, the plaintiff indicated that he exhausted his administrative remedies under Title VII by filing an administrative charge with the Equal Employment Opportunity Commission ("EEOC") on May 11, 2004. (Filing No. 1). However, he has not filed a copy of his EEOC charge or his right-to-sue notice. See generally 42 U.S.C. § 2000e-5(f)(1) (claimant has 90 days after receipt of right-to-sue notice to bring a civil action against the defendant). Therefore, the plaintiff shall file a copy of his EEOC charge and his right-to-sue notice with the court by **January 6, 2006**. After receipt of these documents the court will issue an order deciding defendant's motion to dismiss.

IT IS ORDERED:

Plaintiff shall file with the court a copy of his charge filed with the EEOC and his right-to-sue notice by **January 6, 2006**.

DATED this 21st day of December, 2005.

BY THE COURT:

S/ F. A. Gossett
United States Magistrate Judge